

109TH CONGRESS
2D SESSION

H. R. 5689

AN ACT

To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SURFACE TRANSPORTATION TECHNICAL COR-**
2 **RECTIONS.**

3 (a) CORRECTION OF INTERNAL REFERENCES IN DIS-
4 ADVANTAGED BUSINESS ENTERPRISES.—Section 1101(b)
5 of the Safe, Accountable, Flexible, Efficient Transpor-
6 tation Equity Act: A Legacy for Users (119 Stat. 1156)
7 is amended in each of paragraphs (3)(A) and (5) by strik-
8 ing “(1)” each place it appears and inserting “(2)”.

9 (b) TECHNICAL CORRECTION OF DISTRIBUTION OF
10 OBLIGATION AUTHORITY.—Section 1102(c)(5) of the
11 Safe, Accountable, Flexible, Efficient Transportation Eq-
12 uity Act: A Legacy for Users (119 Stat. 1158) is amended
13 by striking “among the States”.

14 (c) CORRECTION OF DESCRIPTION OF NATIONAL
15 CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—
16 Item number 1 of the table contained in section 1302(e)
17 of the Safe, Accountable, Flexible, Efficient Transpor-
18 tation Equity Act: A Legacy for Users (119 Stat. 1205)
19 is amended by inserting “LA,” after “TX,” in the listing
20 of States.

21 (d) CORRECTION OF INTERSTATE ROUTE 376 HIGH-
22 PRIORITY DESIGNATION.—(1) Section 1105(c)(79) of the
23 Intermodal Surface Transportation Efficiency Act of 1991
24 (105 Stat. 2032; 119 Stat. 1213) is amended by striking
25 “and on United States Route 422”.

1 (2) Section 1105(e)(5)(B)(i)(I) of such Act (105
2 Stat. 2033; 119 Stat. 1213) is amended by striking “and
3 United States Route 422”.

4 (e) CORRECTION OF AMENDMENT TO ADVANCE CON-
5 STRUCTION.—Section 115 of title 23, United States Code,
6 is amended by redesignating subsection (d) as subsection
7 (c).

8 (f) CORRECTION OF AMENDMENT TO MOVE AND RE-
9 DESIGNATE INFRASTRUCTURE FINANCE SECTION.—Sec-
10 tion 1602(d)(1) of the Safe, Accountable, Flexible, Effi-
11 cient Transportation Equity Act: A Legacy for Users (119
12 Stat. 1247) is amended by striking “through 189 as sec-
13 tions 601 through 609, respectively” and inserting
14 “through 190 as sections 601 through 610, respectively”.

15 (g) CORRECTION TO ADD DEFINITION FOR TRANS-
16 PORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—
17 Section 101(a) of title 23, United States Code, is amended
18 by adding at the end the following:

19 “(39) TRANSPORTATION SYSTEMS MANAGE-
20 MENT AND OPERATIONS.—

21 “(A) IN GENERAL.—The term ‘transport-
22 tation systems management and operations’
23 means an integrated program to optimize the
24 performance of existing infrastructure through
25 the implementation of multimodal and inter-

1 modal, cross-jurisdictional systems, services,
2 and projects designed to preserve capacity and
3 improve security, safety, and reliability of the
4 transportation system.

5 “(B) INCLUSIONS.—The term ‘transportation systems management and operations’ includes—
6
7

8 “(i) regional operations collaboration
9 and coordination activities between transportation and public safety agencies; and
10

11 “(ii) improvements to the transportation system such as traffic detection and
12 surveillance, arterial management, freeway
13 management, demand management, work
14 zone management, emergency management, electronic toll collection, automated
15 enforcement, traffic incident management,
16 roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.”.
17
18
19
20
21
22
23

24 (h) CORRECTIONS TO REFERENCE IN APPORTION-
25 MENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM

1 FUNDS.—Section 104(b)(5)(A)(iii) of title 23, United
 2 States Code, is amended by striking “the Federal-aid sys-
 3 tem” each place it appears and inserting “Federal-aid
 4 highways”.

5 (i) TRANSFER OF UNUSED PROTECTIVE-DEVICE
 6 FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT
 7 PROGRAM PROJECTS.—Section 130(e)(2) of title 23,
 8 United States Code, is amended by striking “purposes
 9 under this subsection” and inserting “highway safety im-
 10 provement program purposes”.

11 (j) CORRECTION OF NATIONAL SCENIC BYWAYS PRO-
 12 GRAM COVERAGE.—Section 162 of title 23, United States
 13 Code, is amended—

14 (1) in subsection (a)(3)(B) by striking “a Na-
 15 tional Scenic Byway under subparagraph (A)” and
 16 inserting “a National Scenic Byway, an All-Amer-
 17 ican Road, or one of America’s Byways under para-
 18 graph (1)”;

19 (2) in subsection (c)(3) by striking “or All-
 20 American Road” each place it appears and inserting
 21 “All-American Road, or one of America’s Byways”.

22 (k) CORRECTION OF REFERENCE IN TOLL PROVI-
 23 SION.—Section 166(b)(5)(C) of title 23, United States
 24 Code, is amended by striking “paragraph (3)” and insert-
 25 ing “paragraph (4)”.

1 (l) CORRECTION OF RECREATIONAL TRAILS PRO-
 2 GRAM APPORTIONMENT EXCEPTIONS.—Section
 3 206(d)(3)(A) of title 23, United States Code, is amended
 4 by striking “(B), (C), and (D)” and inserting “(B) and
 5 (C)”.

6 (m) CORRECTION OF MISCELLANEOUS TYPO-
 7 GRAPHICAL ERRORS.—(1) Section 1401 of the Safe, Ac-
 8 countable, Flexible, Efficient Transportation Equity Act:
 9 A Legacy for Users (119 Stat. 1226) is amended by redes-
 10 ignating subsections (d) and (e) as subsections (c) and (d),
 11 respectively.

12 (2) Section 1404(f)(2)(A) of such Act (119 Stat.
 13 1229) is amended—

14 (A) by striking the comma after “training”;
 15 and

16 (B) by striking the comma after “volunteers”.

17 **SEC. 2. NONMOTORIZED TRANSPORTATION PILOT PRO-**
 18 **GRAM.**

19 Section 1807(a)(3) of the Safe, Accountable, Flexible,
 20 Efficient, Transportation Equity Act: A Legacy for Users
 21 (119 Stat.1460) is amended by striking “Minneapolis-St.
 22 Paul, Minnesota” and inserting “Minneapolis, Min-
 23 nesota”.

1 **SEC. 3. GOING-TO-THE-SUN ROAD.**

2 Section 1940 of the Safe, Accountable, Flexible, Effi-
 3 cient Transportation Equity Act: A Legacy for Users (119
 4 Stat. 1511) is amended—

5 (1) in subsection (a)—

6 (A) by striking paragraphs (1) and (2);

7 (B) by redesignating paragraphs (3)
 8 through (5) as paragraphs (1) through (3), re-
 9 spectively; and

10 (C) by striking “\$10,000,000” each place
 11 that it appears and inserting “\$16,666,666”;
 12 and

13 (2) by adding at the end the following:

14 “(c) CONTRACT AUTHORITY.—Except as otherwise
 15 provided in this section, funds authorized to be appro-
 16 priated under this section shall be available for obligation
 17 in the same manner as if the funds were apportioned
 18 under chapter 1 of title 23, United States Code.”.

19 **SEC. 4. SURFACE TRANSPORTATION PROGRAM.**

20 Section 1108(f)(1) of the Transportation Equity Act
 21 for the 21st Century (23 U.S.C. 133 note; 112 Stat. 140)
 22 is amended by striking “2003” and inserting “2009”.

23 **SEC. 5. MAGLEV.**

24 (a) FUNDING.—Section 1101(a)(18) of the Safe, Ac-
 25 countable, Flexible, Efficient Transportation Equity Act:
 26 A Legacy for Users (119 Stat. 1155) is amended—

1 (1) by striking subparagraphs (A) and (B) and
2 inserting the following:

3 “(A) \$20,000,000 for fiscal year 2007; and

4 “(B) \$35,000,000 for each of fiscal years
5 2008 and 2009.”.

6 (b) CONTRACT AUTHORITY.—Section 1307 of such
7 Act (119 Stat. 1217) is amended by adding at the end
8 the following:

9 “(e) CONTRACT AUTHORITY.—Funds authorized
10 under section 1101(a)(18) of this Act shall be available
11 for obligation in the same manner as if the funds were
12 apportioned under chapter 1 of title 23, United States
13 Code; except that such funds shall not be transferable and
14 shall remain available until expended, and the Federal
15 share of the cost of a project under this section shall be
16 determined in accordance with sections 120(b) and 120(c)
17 of such title.”.

18 **SEC. 6. DEFINITION OF REPEAT INTOXICATED DRIVER**

19 **LAW.**

20 Section 164(a)(5)(A) of title 23, United States Code,
21 is amended to read as follows:

22 “(A) receive (i) a driver’s license suspen-
23 sion for not less than 1 year, or (ii) a combina-
24 tion of suspension of all driving privileges for
25 the first 45 days of the suspension period fol-

1 lowed by a reinstatement of limited driving
 2 privileges for the propose of getting to and from
 3 work, school, or an alcohol treatment program
 4 if an ignition interlock device is installed on
 5 each of the motor vehicles owned or operated,
 6 or both, by the individual;”.

7 **SEC. 7. HIGHWAY SAFETY.**

8 (a) STATE MINIMUM APPORTIONMENTS FOR HIGH-
 9 WAY SAFETY PROGRAMS.—Section 402(c) of the title 23,
 10 United States Code, is amended by striking “The annual
 11 apportionment to each State shall not be less than one-
 12 half of 1 per centum” and inserting “The annual appor-
 13 tionment to each State shall not be less than three-quar-
 14 ters of 1 percent”.

15 (b) TECHNICAL CORRECTIONS.—

16 (1) Section 2002(b) of the Safe, Accountable,
 17 Flexible, Efficient Transportation Equity Act: A
 18 Legacy for Users (119 Stat. 1521) is amended—

19 (A) by striking paragraph (2); and

20 (B) by redesignating paragraphs (3) and
 21 (4) as (2) and (3), respectively.

22 (2) Section 2007(b)(1) of such Act (119 Stat.
 23 1529) is amended—

24 (A) by inserting “and” after the semicolon
 25 at the end of subparagraph (A);

1 (B) by striking “and” at the end of sub-
2 paragraph (B); and

3 (C) by striking subparagraph (C).

4 (3) Effective August 10, 2005, section
5 410(c)(7)(B) of title 23, United States Code, is
6 amended by striking “clause (i)” and inserting
7 “clauses (i) and (ii)”.

8 (4) Section 411 of title 23, United States Code,
9 is amended by redesignating the second subsection
10 (c), relating to administration expenses, and sub-
11 section (d) as subsections (d) and (e), respectively.

12 **SEC. 8. PROJECT AUTHORIZATIONS.**

13 The table contained in section 1702 of the Safe, Ac-
14 countable, Flexible, Efficient Transportation Equity Act:
15 A Legacy for Users (119 Stat. 1256) is amended—

16 (1) in item numbers 959 and 3327 by striking
17 “Northern Section,”;

18 (2) in item number 983 by striking the project
19 description and inserting “Land acquisition for
20 Highway Mitigation in Cecil, Kent, Queen Annes,
21 and Worcester Counties”;

22 (3) in item number 3410 by striking the project
23 description and inserting “Construct eligible sound
24 walls on I-65 between Old Hickory Blvd. and Har-
25 ding Place in Davidson County”;

1 (4) in item number 3631 by striking the project
2 description and inserting “Reconstruct or modify the
3 existing 5th Street Bridge and railroad trestle to
4 provide a 4-lane crossing of the Feather River be-
5 tween Yuba City and Marysville as well as providing
6 improvements to connector roads from east and
7 west”;

8 (5) in item number 3219 by striking “Forest”
9 and inserting “Warren”;

10 (6) in item number 770 by striking the project
11 description and inserting “Improve existing Horns
12 Hill Road in North Newark, Ohio, from Waterworks
13 Road to Licking Springs Road”;

14 (7) in item number 2698 by striking the project
15 description and inserting “I-95/Ellis Road and be-
16 tween Grant Road and Micco Road, Interchange
17 Justification Reports, Brevard, FL”;

18 (8) in item number 2234 by striking the project
19 description and inserting “North Atherton Signal
20 Coordination Project in Centre County, PA”;

21 (9) in item number 1852 by striking “Milepost
22 9.3” and inserting “Milepost 24.3”;

23 (10) in item number 3397 by striking the
24 project description and inserting “Cathodic Bridge
25 Protection, allow the Virginia Department of Trans-

1 portation (VDOT) to select the bridge or bridges
2 that VDOT considers appropriate for cathodic
3 bridge protection modification”;

4 (11) in item number 1210 by striking the
5 project description and inserting “Town of New
6 Windsor Riley Road and Shore Drive”;

7 (12) in item number 3673 by striking the
8 project description and inserting “Ketchikan: Im-
9 prove marine dry-dock and facilities”;

10 (13) in item number 1575 by striking the
11 project description and inserting “Highway and road
12 signage, and traffic signal synchronization and up-
13 grades, in Shippensburg Boro, Shippensburg Town-
14 ship, and surrounding municipalities”;

15 (14) in item number 3255 by striking the
16 project description and inserting “Facility acquisi-
17 tion, road construction, and other transportation en-
18 hancement related improvements in the Northwest
19 Triangle Redevelopment Area in the city of York,
20 PA”;

21 (15) in item number 655 by inserting “, safety
22 improvement construction,” after “Environmental
23 studies”;

24 (16) in item numbers 1926 and 2893 by strik-
25 ing the project description and inserting “Grading,

1 paving, roads, and the transfer of rail-to-truck for
2 the intermodal facility at Rickenbacker Airport, Co-
3 lumbus, Ohio”;

4 (17) by striking item number 2031;

5 (18) in item number 3327 by striking
6 “\$1,600,000” and inserting “\$2,400,000”;

7 (19) by striking item number 2800;

8 (20) in item number 1487 by striking
9 “\$800,000” and inserting “\$1,600,000”;

10 (21) by striking item number 61;

11 (22) in item number 128 by striking
12 “\$2,400,000” and inserting “\$4,800,000”;

13 (23) by striking item number 248;

14 (24) in item number 240 by striking
15 “\$800,000” and inserting “\$2,400,000”;

16 (25) in item number 34 by striking the project
17 description and inserting “Removal and Reconfig-
18 uration of Interstate Ramps- I-40, Memphis”;

19 (26) in item number 87 by striking the project
20 description and inserting “M-291 Highway Outer
21 Road Improvement Project”;

22 (27) in item number 193 by striking the project
23 description and inserting “Improvements to or ac-
24 cess to Route 108 to enhance access to the business
25 park near Rumford”;

1 (28) in item number 259 by striking the project
2 description and inserting “Corridor study, EIS, and
3 ROW acquisition for a bridge from east of the Crow
4 Wing Highway 3 bridge crossing the Mississippi
5 River in Brainerd to west of the Minnesota State
6 Highway 6 bridge crossing the Mississippi River
7 north of Crosby”;

8 (29) in item number 463 by striking
9 “Cookeville” and inserting “Putnam County”;

10 (30) in item number 590 by inserting “, includ-
11 ing” after “Safety”;

12 (31) in item number 595 by striking “Street
13 Closure at” and inserting “Transportation Improve-
14 ment Project near”;

15 (32) in item number 649 by striking the project
16 description and inserting “Construction and en-
17 hancement of the Fillmore Avenue Corridor, Buf-
18 falo”;

19 (33) in item number 881 by striking the project
20 description and inserting “Pedestrian Safety Im-
21 provements near North Atlantic Boulevard, Mon-
22 terey Park”;

23 (34) in item number 1039 by striking the
24 project description and inserting “Widen State

1 Route 98, including storm drain developments, from
2 D. Navarro Avenue to State Route 111”;

3 (35) in item number 1124 by striking “bridge
4 over Stillwater River, Orono” and by inserting
5 “routes”;

6 (36) in item number 1206 by striking “Pleas-
7 antville” and inserting “Briarcliff Manor”;

8 (37) in item number 1281 by striking the
9 project description and inserting “Upgrade roads in
10 Attala County District 4 (Roads 4211 and 4204),
11 Kosciusko, Ward 2, and Ethel, Attala County”;

12 (38) in item number 1639 by striking the
13 project description and inserting “Operational and
14 highway safety improvements on Hwy 94 between
15 the 20 mile marker post in Jamul and Hwy 188 in
16 Tecate”;

17 (39) in item number 1810 by striking the
18 project description and inserting “Design, engineer-
19 ing, ROW acquisition, construction, and construction
20 engineering for the reconstruction of TH 95, from
21 12th Avenue to CSAH 13, including bridge and ap-
22 proaches, ramps, intersecting roadways, signals, turn
23 lanes, and multi-use trail, North Branch”;

24 (40) in item number 1933 by striking the
25 project description and by inserting “Enhance Byz-

1 antine Latino Quarter transit plazas at Normandie
2 and Pico, and Hoover and Pico, Los Angeles, by im-
3 proving streetscapes, including expanding concrete
4 and paving”;

5 (41) in item number 2375 by inserting “, in-
6 cluding streets” after “Astoria”;

7 (42) in item number 2482 by striking “Coun-
8 try” and inserting “County”;

9 (43) in item number 2663 by striking the
10 project description and inserting “Rosemead Boule-
11 vard safety enhancement and beautification, Temple
12 City”;

13 (44) in item number 2826 by striking “State
14 Street and Cajon Boulevard” and inserting “Palm
15 Avenue”;

16 (45) in item number 2931 by striking “Frazho
17 Road” and inserting “Martin Road”;

18 (46) in item number 3014 by inserting “, in-
19 cluding” after “Safety”;

20 (47) in item number 3078 by striking the
21 project description and inserting “US 2/Sultan
22 Basin Road Improvements in Sultan”;

23 (48) in item number 3174 by striking the
24 project description and inserting “Improving Outer
25 Harbor access through planning, design, construc-

1 tion, and relocations of Southtowns Connector–NY
2 Route 5, Fuhrmann Boulevard, and a bridge con-
3 necting the Outer Harbor to downtown Buffalo at
4 the Inner Harbor”;

5 (49) in item number 3254 by striking the
6 project description and inserting “Reconstruct PA
7 Route 274/34 Corridor, Perry County”;

8 (50) in item number 3456 by striking the
9 project description and by inserting “Phase II/part
10 I project–Elizabeth Ave. in Coleraine to 0.2 Miles
11 West of CSAH 15 (2.9 miles)”;

12 (51) in item number 3537 by inserting “and
13 the study of alternatives along the North South Cor-
14 ridor,” after “Valley”;

15 (52) in item number 3582 by striking the
16 project description and inserting “Improving Outer
17 Harbor access through planning, design, construc-
18 tion, and relocations of Southtowns Connector–NY
19 Route 5, Fuhrmann Boulevard, and a bridge con-
20 necting the Outer Harbor to downtown Buffalo at
21 the Inner Harbor”;

22 (53) in item number 2015 by striking the
23 project description and inserting “Heidelberg Bor-
24 ough/Scott Township/Carnegie Borough for design,
25 engineering, acquisition, and construction of

1 streetscaping enhancements, paving, lighting and
 2 safety upgrades, and parking improvements”;

3 (54) in item number 154 by striking “Virginia”
 4 and inserting “Eveleth”;

5 (55) in item number 277 by striking the project
 6 description and inserting “Construct connector road
 7 from Rushing Drive North to Grand Ave.,
 8 Williamson County”;

9 (56) in item number 314 by striking the project
 10 description and amount and inserting “Streetscape/
 11 landscape enhancements, traffic calming, and im-
 12 provements to traffic flow in the Las Olas Boule-
 13 vard, Ft. Lauderdale” and “\$610,000”, respectively;

14 (57) in item number 3632 by striking the
 15 State, project description, and amount and inserting
 16 “FL”, “Pine Island Road Pedestrian Overpass, City
 17 of Tamarac”, and “\$610,000”, respectively; and

18 (58) in item number 3634 by striking the
 19 State, project description, and amount and inserting
 20 “FL”, “West Avenue Bridge, City of Miami Beach”,
 21 and “\$620,000”, respectively.

22 **SEC. 9. BUY AMERICA.**

23 Section 1928 of the Safe, Accountable, Flexible, Effi-
 24 cient Transportation Equity Act: A Legacy for Users (119
 25 Stat. 1484) is amended—

1 (1) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) the Federal Highway Administration’s cur-
4 rent application of the Buy America test is only ap-
5 plied to components or parts of a bridge project and
6 not the entire bridge project and this is inconsistent
7 with this sense of Congress;” and

8 (2) by redesignating paragraphs (2), (3), (4),
9 and (5) as (3), (4), (5), and (6), respectively.

10 **SEC. 10. CORRECTION OF INTERSTATE AND NHS DESIGNA-**
11 **TIONS.**

12 (a) TREATMENT.—Section 1908(a) of the Safe, Ac-
13 countable, Flexible, Efficient Transportation Equity Act:
14 A Legacy for Users (119 Stat. 1469) is amended by strik-
15 ing paragraph (3).

16 (b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b)
17 of the Safe, Accountable, Flexible, Efficient Transpor-
18 tation Equity Act: A Legacy for Users (119 Stat. 1470)
19 is amended by striking “from the Arkansas State line”
20 and inserting “from Interstate Route 540”.

21 **SEC. 11. TRANSIT TECHNICAL CORRECTIONS.**

22 (a) SECTION 5302.—Section 5302(a)(10) of title 49,
23 United States Code, is amended by striking “charter,”
24 and inserting “charter, sightseeing,”.

1 (b) SECTION 5307.—Section 5307(b) of such title is
2 amended—

3 (1) in paragraph (2)(A) by striking “mass
4 transportation” and inserting “public transpor-
5 tation”; and

6 (2) in paragraph (3) by striking “section
7 5305(a)” and inserting “section 5303(k)”.

8 (c) SECTION 5309.—Section 5309(m) of such title is
9 amended—

10 (1) in the heading for paragraph (2)(A) by
11 striking “MAJOR CAPITAL” and inserting “CAP-
12 ITAL”; and

13 (2) in paragraph (7)(B) by striking “section
14 3039” and inserting “section 3045”.

15 (d) SECTION 5311.—Section 5311 of such title is
16 amended—

17 (1) in subsection (g)(1)(A) by striking “for any
18 purpose other than operating assistance” and insert-
19 ing “for a capital project”; and

20 (2) in subsection (i)(1) by striking “Sections
21 5323(a)(1)(D) and 5333(b) of this title apply” and
22 inserting “Section 5333(b) applies”.

23 (e) SECTION 5312.—The heading for section 5312(c)
24 of such title is amended by striking “MASS TRANSPOR-
25 TATION” and inserting “PUBLIC TRANSPORTATION”.

1 (f) SECTION 5314.—Section 5314(a)(3) is amended
2 by striking “section 5323(a)(1)(D)” and inserting “sec-
3 tion 5333(b)”.

4 (g) SECTION 5319.—Section 5319 of such title is
5 amended by striking “section 5307(k)” and inserting
6 “section 5307(d)(1)(K)”.

7 (h) SECTION 5320.—Section 5320(a)(1)(A) of such
8 title is amended by striking “intra—agency” and inserting
9 “intraagency”.

10 (i) SECTION 5323.—Section 5323(n) of such title is
11 amended by striking “section 5336(e)(2)” and inserting
12 “section 5336(d)(2)”.

13 (j) SECTION 5336.—

14 (1) APPORTIONMENTS OF FORMULA GRANTS.—
15 Section 5336 of such title is amended—

16 (A) in subsection (a) by striking “Of the
17 amount” and all that follows before paragraph
18 (1) and inserting “Of the amount apportioned
19 under subsection (i)(2) to carry out section
20 5307—”;

21 (B) in subsection (d)(1) by striking “sub-
22 sections (a) and (h)(2) of section 5338” and in-
23 serting “subsections (a)(1)(C)(vi) and (b)(2)(B)
24 of section 5338”; and

1 (C) by redesignating subsection (c), as
2 added by section 3034(c) of Public Law 109–
3 59 (119 Stat. 1628), as subsection (k).

4 (2) TECHNICAL AMENDMENTS.—Effective Au-
5 gust 10, 2005, section 3034(d)(2) of the Safe, Ac-
6 countable, Flexible, Efficient, Transportation Equity
7 Act: A Legacy for Users (119 Stat. 1629), is
8 amended by striking “paragraph (2)” and inserting
9 “subsection (a)(2)”.

10 (k) SECTION 5337.—Section 5337(a) of title 49,
11 United States Code, is amended by striking “for each of
12 fiscal years 1998 through 2003” and inserting “for each
13 of fiscal years 2005 through 2009”.

14 (l) SECTION 5338.—Section 5338(d)(1)(B) of such
15 title is amended by striking “section 5315(a)(16)” and in-
16 serting “section 5315(b)(2)(P)”.

17 (m) SAFETEA–LU.—

18 (1) SECTION 3040.—Section 3040(4) of the
19 Safe, Accountable, Flexible, Efficient, Transpor-
20 tation Equity Act: A Legacy for Users (119 Stat.
21 1639) is amended by striking “\$7,871,895,000” and
22 inserting “\$7,872,893,000”.

23 (2) SECTION 3043.—Section 3043(c)(217) of
24 such Act (119 Stat.1648) is amended by striking
25 “San Diego” and inserting “San Diego Transit”.

1 (3) SECTION 3044.—

2 (A) PROJECTS.—The table contained in
3 section 3044(a) of the Safe, Accountable, Flexi-
4 ble, Efficient Transportation Equity Act: A
5 Legacy for Users (119 Stat. 1652) is amend-
6 ed—

7 (i) in item number 36 by striking the
8 project description and inserting “36. Los
9 Angeles County Metropolitan Transpor-
10 tation Authority (LACMTA) for bus and
11 bus-related facilities in the LACMTA’s
12 service area”;

13 (ii) in item number 94 by striking the
14 project description and inserting “94. Pa-
15 cific Transit, WA Vehicle Replacement”;

16 (iii) in item number 361 by striking
17 “Roanoke Railway and Link Passenger fa-
18 cility” and inserting “Intermodal Facility”;
19 and

20 (iv) in item number 416 by striking
21 “Improve marine intermodal” and insert-
22 ing “Improve marine dry-dock and”.

23 (B) SPECIAL RULE.—Section 3044(c) of
24 such Act (119 Stat. 1705) is amended—

1 (i) by inserting “, or other entity,”
 2 after “State or local government author-
 3 ity”; and

4 (ii) by striking “projects numbered
 5 258 and 347” and inserting “projects
 6 numbered 258, 347, and 411”.

7 (4) SECTION 3046.—Section 3046(a)(7) of such
 8 Act (119 Stat. 1708) is amended—

9 (A) by striking “hydrogen fuel cell vehi-
 10 cles” and inserting “hydrogen fueled vehicles”;

11 (B) by striking “hydrogen fuel cell em-
 12 ployee shuttle vans” and inserting “hydrogen
 13 fueled employee shuttle vans”; and

14 (C) by striking “in Allentown, Pennsyl-
 15 vania” and inserting “to the DaVinci Center in
 16 Allentown, Pennsylvania”.

17 **SEC. 12. TRANSPORTATION IMPROVEMENTS.**

18 Item number 436 of the table contained in section
 19 1934(c) of the Safe, Accountable, Flexible, Efficient
 20 Transportation Equity Act: A Legacy for Users (119 Stat.
 21 1485) is amended by inserting “, Saole, ” after “Sua”.

22 **SEC. 13. TECHNICAL AMENDMENTS RELATING TO MOTOR**
 23 **CARRIER SAFETY.**

24 (a) CONFORMING AMENDMENT RELATING TO HIGH-
 25 PRIORITY ACTIVITIES.—Section 31104 (f) of title 49,

1 United States Code, is amended by striking the designa-
2 tion and heading for paragraph (1) and by striking para-
3 graph (2).

4 (b) NEW ENTRANT AUDITS.—

5 (1) CORRECTIONS OF REFERENCES.—Section
6 4107(b) of the Safe, Accountable, Flexible, Efficient
7 Transportation Equity Act: A Legacy for Users (119
8 Stat. 1720) is amended—

9 (A) by striking “Section 31104” and in-
10 serting “Section 31144”; and

11 (B) in paragraph (2) by inserting “(c)”
12 after “the second subsection”.

13 (2) CONFORMING AMENDMENT.—Section 7112
14 of such Act (119 Stat. 1899) is amended by striking
15 subsection (c).

16 (c) PROHIBITED TRANSPORTATION.—Section
17 4114(c)(1) of the such Act (119 Stat. 1726) is amended
18 by striking “the second subsection (c)” and inserting
19 “(f)”.

20 (d) EFFECTIVE DATE RELATING TO MEDICAL EXAM-
21 INERS.—Section 4116(f) of such Act (119 Stat. 1728) is
22 amended by striking “amendment made by subsection
23 (a)” and inserting “amendments made by subsections (a)
24 and (b)”.

1 (e) ROADABILITY TECHNICAL CORRECTION.—Sec-
2 tion 31151(a)(3)(E)(ii) of title 49, United States Code,
3 is amended by striking “Act” and inserting “section”.

4 (f) CORRECTION OF SUBSECTION REFERENCE.—Sec-
5 tion 4121 of the Safe, Accountable, Flexible, Efficient
6 Transportation Equity Act: A Legacy for Users (119 Stat.
7 1734) is amended by striking “31139(f)(5)” and inserting
8 “31139(g)(5)”.

9 (g) CDL LEARNER’S PERMIT PROGRAM TECHNICAL
10 CORRECTION.—Section 4122(2)(A) of such Act (119 Stat.
11 1734) is amended by striking “license” and inserting “li-
12 censes”.

13 (h) CDL INFORMATION SYSTEM FUNDING REF-
14ERENCE.—Section 31309(f) of title 49, United States
15 Code, is amended by striking “31318” and inserting
16 “31313”.

17 (i) CLARIFICATION OF REFERENCE.—Section
18 229(a)(1) of the Federal Motor Carrier Safety Improve-
19 ment Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743)
20 is amended by inserting “of title 49, United States Code,”
21 after “31502”.

22 (j) REGISTRATION OF BROKERS.—Section
23 4142(c)(2) of the Safe, Accountable, Flexible, Efficient
24 Transportation Equity Act: A Legacy for Users (119 Stat.

1 1747) is amended by inserting “each place it appears” be-
2 fore the semicolon.

3 (k) REDESIGNATION OF SECTION.—The second sec-
4 tion 39 of chapter 2 of title 18, United States Code, relat-
5 ing to commercial motor vehicles required to stop for in-
6 spections, and the item relating to such section in the
7 analysis for such chapter, are redesignated as section 40.

8 (l) OFFICE OF INTERMODALISM.—Section 5503 of
9 title 49, United States Code, is amended—

10 (1) in subsection (f)(2) by striking “Surface
11 Transportation Safety Improvement Act of 2005”,
12 and inserting “Motor Carrier Safety Reauthorization
13 Act of 2005”; and

14 (2) by redesignating the first subsection (h), re-
15 lating to authorization of appropriations, as sub-
16 section (i) and moving it after the second subsection
17 (h).

18 (m) USE OF FEES FOR UNIFIED CARRIER REGISTRA-
19 TION SYSTEM.—Section 13908 of title 49, United States
20 Code, is amended by redesignating subsection (e) as sub-
21 section (f) and by inserting after subsection (d) the fol-
22 lowing:

23 “(e) USE OF FEES FOR UNIFIED CARRIER REG-
24 ISTRATION SYSTEM.—Fees collected under this section
25 may be credited to the Department of Transportation ap-

1 appropriations account for purposes for which such fees are
 2 collected and shall be available for expenditure for such
 3 purposes until expended.”.

4 (n) COMMERCIAL MOTOR VEHICLE DEFINITION.—
 5 Section 14504a(a)(1)(B) of title 49, United States Code,
 6 is amended by striking “a motor carrier required to make
 7 any filing or pay any fee to a State with respect to the
 8 motor carrier’s authority or insurance related to operation
 9 within such State, the motor carrier” and inserting “de-
 10 termining the size of a motor carrier or motor private car-
 11 rier’s fleet in calculating the fee to be paid by a motor
 12 carrier or motor private carrier pursuant to subsection
 13 (f)(1), the motor carrier or motor private carrier”.

14 (o) CLARIFICATION OF UNREASONABLE BURDEN.—
 15 Section 14504a(c)(2) of title 49, United States Code, is
 16 amended by striking “interstate” the last place it appears
 17 and inserting “intrastate”.

18 (p) CONTENTS OF AGREEMENT TYPO.—Section
 19 14504a(f)(1)(A)(ii) of title 49, United States Code, is
 20 amended by striking “or” the last place it appears.

21 (q) OTHER UNIFIED CARRIER REGISTRATION SYS-
 22 TEM TECHNICAL CORRECTIONS.—Section 14504a of title
 23 49, United States Code, is amended—

24 (1) in subsection (c)(1)(B) by striking “the a”
 25 and inserting “a”; and

1 (2) in subsection (f)(1)(i) by striking “in con-
2 nection with the filing of proof of financial responsi-
3 bility”.

4 **SEC. 14. HIGHWAY RESEARCH FUNDING.**

5 (a) F-SHRP FUNDING.—Notwithstanding any other
6 provision of law, for each of fiscal years 2006 through
7 2009, whenever an apportionment is made of the sums
8 authorized to be appropriated for the surface transpor-
9 tation program, the congestion mitigation and air quality
10 improvement program, the National Highway System, the
11 Interstate maintenance program, the bridge program, and
12 the highway safety improvement program, the Secretary
13 of Transportation shall deduct from each of such sums
14 an amount not to exceed 0.205 percent of each such sum
15 and shall transfer the amount so deducted, and make such
16 amount available, to carry out section 510 of title 23,
17 United States Code.

18 (b) CONFORMING AMENDMENTS.—(1) Section
19 5101(a)(1) of the Safe, Accountable, Flexible, Efficient
20 Transportation Equity Act: A Legacy for Users (119 Stat.
21 1179) is amended by striking “509, and 510” and insert-
22 ing “and 509”.

23 (2) Section 5210 of such Act (119 Stat. 1804) is
24 amended—

25 (A) by striking subsection (c); and

1 (B) by redesignating subsection (d) as sub-
2 section (c).

3 (c) CONTRACT AUTHORITY.—Funds made available
4 under this section shall be available for obligation in the
5 same manner as if such funds were apportioned under
6 chapter 1 of such title, except that the Federal share shall
7 be determined under section 510(f) of title 23, United
8 States Code.

9 (d) APPLICABILITY OF OBLIGATION LIMITATION.—
10 Funds made available under this section shall be subject
11 to any limitation on obligations for Federal-aid highways
12 and highway safety construction programs in section 1102
13 the Safe, Accountable, Flexible, Efficient Transportation
14 Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119
15 Stat. 1157) or any other Act.

16 (e) EQUITY BONUS FORMULA.—Notwithstanding
17 any other provision of law, in allocating funds for the eq-
18 uity bonus program under section 105 of title 23, United
19 States Code, for each of fiscal years 2006 through 2009,
20 the Secretary of Transportation shall make the required
21 calculations under such section as if this section had not
22 been enacted.

23 (f) FUNDING FOR RESEARCH ACTIVITIES.—Of the
24 amount made available by section 5101(a)(1) of the Safe,
25 Accountable, Flexible, Efficient Transportation Equity

1 Act: A Legacy for Users (119 Stat. 1779), at least
 2 \$1,000,000 shall be made available for each of fiscal years
 3 2006 through 2009 to carry out section 502(h) of title
 4 23, United States Code, and at least \$4,900,000 shall be
 5 made available for each of fiscal years 2006 through 2009
 6 to carry out section 502(i) of such title.

7 (g) TECHNICAL AMENDMENTS.—(1) Section 502 of
 8 title 23, United States Code, is amended by striking the
 9 first subsection (h), relating to infrastructure investment
 10 needs reports beginning with the report for January 31,
 11 1999.

12 (2) Section 5512(a)(2) of the Safe, Accountable,
 13 Flexible, Efficient Transportation Equity Act: A Legacy
 14 for Users (119 Stat. 1829) is amended by striking “PRO-
 15 GRAM APPRECIATION.—” and inserting “PROGRAM APPLI-
 16 CATION.—”.

17 **SEC. 15. RESEARCH TECHNICAL CORRECTIONS.**

18 (a) UNIVERSITY TRANSPORTATION RESEARCH
 19 GRANTS.—Section 5506(e)(5)(C) of title 49, United
 20 States Code, is amended by striking “\$2,225,000” and in-
 21 serting “\$2,250,000”.

22 (b) UNIVERSITY TRANSPORTATION RESEARCH
 23 FUNDING.—Section 5101(a)(4) of the Safe, Accountable,
 24 Flexible, Efficient Transportation Equity Act: A Legacy
 25 for Users (119 Stat. 1779) is amended by striking

1 “\$69,700,000” and all that follows through “2009” and
 2 inserting “\$40,400,000 for fiscal year 2005, \$76,400,000
 3 for each of fiscal years 2006 through 2008, and
 4 \$78,900,000 for fiscal year 2009”.

5 **SEC. 16. TECHNICAL AMENDMENTS RELATING TO HAZ-**
 6 **ARDOUS MATERIALS TRANSPORTATION.**

7 (a) DEFINITION OF HAZMAT EMPLOYEES.—Section
 8 7102(2) of the Safe, Accountable, Flexible, Efficient
 9 Transportation Equity Act: A Legacy for Users (119 Stat.
 10 1982) is amended—

- 11 (1) by striking “(3)(A)” and inserting “(3)”;
- 12 (2) in subparagraph (A) by striking “clause (i)”
 13 and inserting “clause (i) of subparagraph (A)”; and
- 14 (3) in subparagraph (B) by striking “clause
 15 (ii)” and inserting “subparagraph (A)(ii)”.

16 (b) TECHNICAL CORRECTION.—Section
 17 5103a(g)(1)(B)(ii) of title 49, United States Code, is
 18 amended by striking “Act” and inserting “subsection”.

19 (c) RELATIONSHIP TO OTHER LAWS.—Section
 20 7124(3) of the Safe, Accountable, Flexible, Efficient
 21 Transportation Equity Act: A Legacy for Users (119 Stat.
 22 1908) is amended by inserting “the first place it appears”
 23 before “and inserting”.

1 (d) SECTION HEADING.—Section 5128 of title 49,
 2 United States Code, is amended by striking the section
 3 designation and heading and inserting the following:

4 **“§ 5128. Authorization of appropriations”.**

5 (e) CHAPTER ANALYSIS.—The analysis for chapter
 6 57 of title 49, United States Code, is amended in the item
 7 relating to section 5701 by striking “Transportation” and
 8 inserting “transportation”.

9 (f) NORMAN Y. MINETA RESEARCH AND SPECIAL
 10 PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Nor-
 11 man Y. Mineta Research and Special Programs Improve-
 12 ment Act (49 U.S.C. 108 note; 118 Stat. 2427) is amend-
 13 ed by inserting “(including delegations by the Secretary
 14 of Transportation)” after “All orders”.

15 **SEC. 17. RESCISSION.**

16 Section 10212 of the Safe, Accountable, Flexible, Ef-
 17 ficient Transportation Equity Act: A Legacy for Users
 18 (119 Stat. 1937) is amended by striking
 19 “\$8,543,000,000” each place it appears and inserting
 20 “\$8,713,000,000”.

21 **SEC. 18. EFFECTIVE DATE.**

22 This Act and the amendments made by this Act shall
 23 take effect on the date of enactment of this Act; except
 24 that the amendments made by this Act (other than sec-
 25 tions 8, 11(m), and 12) to the Safe, Accountable, Flexible,

1 Efficient Transportation Equity Act: A Legacy for Users
2 (Public Law 109–59) and the amendment made by section
3 13(a) of this Act shall take effect simultaneously with the
4 enactment of the Safe, Accountable, Flexible, Efficient
5 Transportation Equity Act: A Legacy for Users. For pur-
6 poses of all Federal laws, the amendments made by this
7 Act (other than sections 8, 11(m), and 12) to the Safe,
8 Accountable, Flexible, Efficient Transportation Equity
9 Act: A Legacy for Users shall be treated as being included
10 in the Safe, Accountable, Flexible, Efficient Transpor-
11 tation Equity Act: A Legacy for Users at the time of the
12 enactment of such Act, and the provisions of such Act (in-
13 cluding the amendments made by such Act) (as in effect
14 on the day before the date of enactment of this Act) that
15 are amended by this Act (other than sections 8, 11(m),
16 and 12) shall be treated as not being enacted.

Passed the House of Representatives June 28, 2006.

Attest:

Clerk.

109TH CONGRESS
2D SESSION

H. R. 5689

AN ACT

To amend the Safe, Accountable, Flexible, Efficient
Transportation Equity Act: A Legacy for Users
to make technical corrections, and for other pur-
poses.